THE EPOCH TIMES

The envelope containing the unsigned letter received by Angel and Kenneth Harrelson from the "Director Regional Office" "informing them that their Veterans Benefits are being suspended due to 38 U.S. Code § 6105 - Forfeiture for subversive activities, which requires that an individual be "convicted" of a listed crime, not "indicted." (Courtesy of Angel Harrelson)

PREMIUM **JAN. 6 COVERAGE**

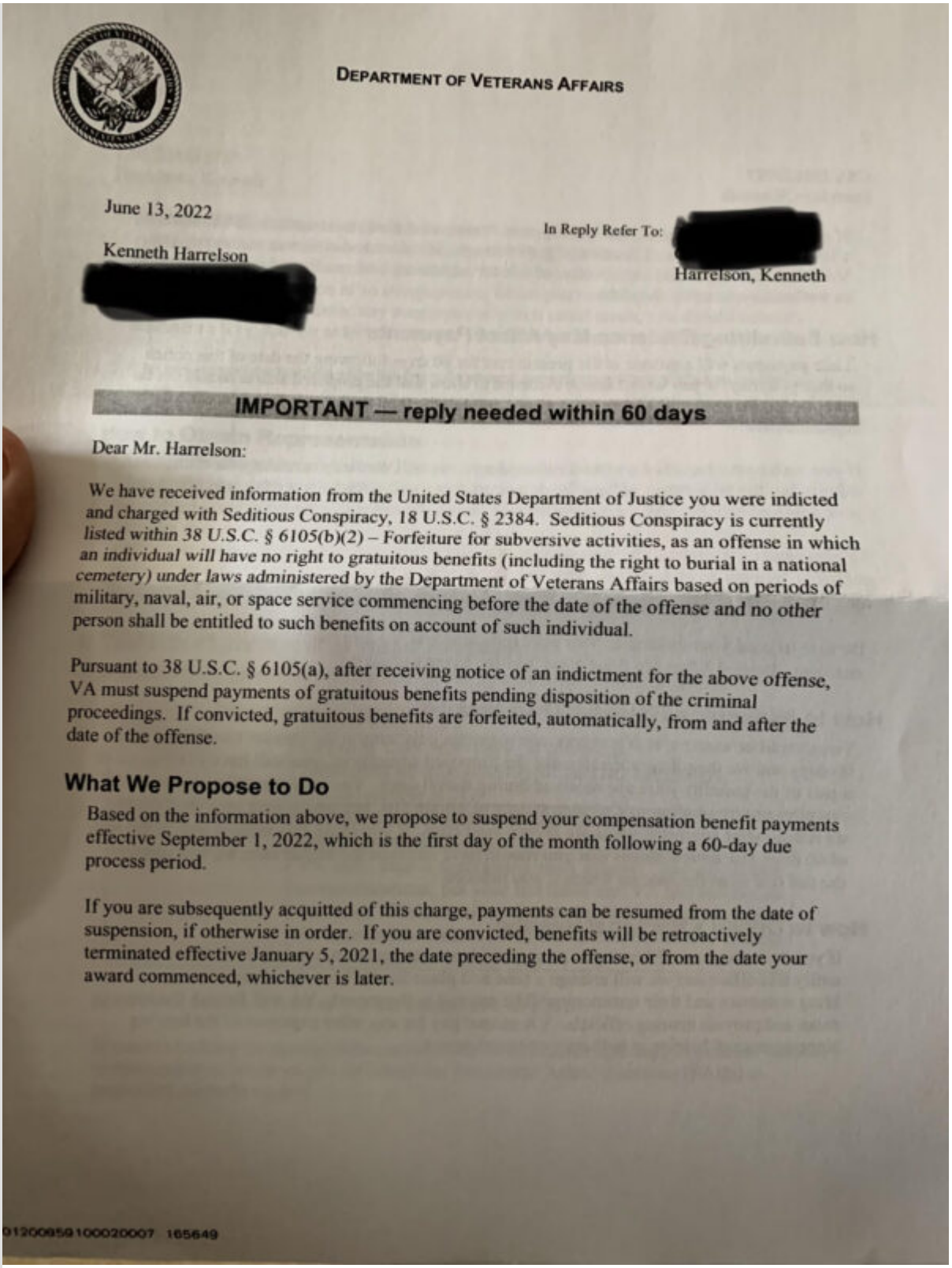
EXCLUSIVE: DOJ Has VA Suspend All Benefits of Jan. 6 Prisoner

'This is what you have when vindictive leftists get in charge of major parts of the government': Rep. Gohmert

By Patricia Tolson | June 29, 2022 Updated: June 30, 2022 A A Print

Just when the wife of one incarcerated Jan. 6 prisoner believed things couldn't get worse, the Department of Veterans Affairs (VA) informed her they are going to suspend all of her husband's benefits. According to United States Representative Louie Gohmert (R-Texas), "this is what you have when vindictive leftists get in charge of major parts of the government."

In an unsigned letter from the VA–dated June 13 and appearing to originate from the "Director Regional Office,"–Angel and Kenneth Harrelson were notified that the administration "received information from the United States Department of Justice" that Kenneth had been "indicted and charged with Seditious Conspiracy (18 U.S.C 2384)."



DEPARTMENT OF VETERANS AFFAIRS

June 13, 2022

Kenneth Harrelson
[redacted]

In Reply Refer To: [redacted]
Harrelson, Kenneth

IMPORTANT — reply needed within 60 days

Dear Mr. Harrelson:

We have received information from the United States Department of Justice you were indicted and charged with Seditious Conspiracy, 18 U.S.C. § 2384. Seditious Conspiracy is currently listed within 38 U.S.C. § 6105(b)(2) – Forfeiture for subversive activities, as an offense in which an individual will have no right to gratuitous benefits (including the right to burial in a national cemetery) under laws administered by the Department of Veterans Affairs based on periods of military, naval, air, or space service commencing before the date of the offense and no other person shall be entitled to such benefits on account of such individual.

Pursuant to 38 U.S.C. § 6105(a), after receiving notice of an indictment for the above offense, VA must suspend payments of gratuitous benefits pending disposition of the criminal proceedings. If convicted, gratuitous benefits are forfeited, automatically, from and after the date of the offense.

What We Propose to Do

Based on the information above, we propose to suspend your compensation benefit payments effective September 1, 2022, which is the first day of the month following a 60-day due process period.

If you are subsequently acquitted of this charge, payments can be resumed from the date of suspension, if otherwise in order. If you are convicted, benefits will be retroactively terminated effective January 5, 2021, the date preceding the offense, or from the date your award commenced, whichever is later.

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Page 1 of the unsigned letter received by Angel and Kenneth Harrelson from the “Director Regional Office” “informing them that their Veterans Benefits are being suspended due to 38 U.S. Code § 6105 – Forfeiture for subversive activities, which requires that an individual be “convicted” of a listed crime, not “indicted.” (Courtesy of Angel Harrelson)

The letter further noted that: "Pursuant to 38 U.S. Code § 6105(a)"–Forfeiture for subversive activities–"after receiving notice of an indictment for the above offense" the "VA must suspend payment of gratuitous benefits pending disposition of the criminal proceedings. If convicted, gratuitous benefits are forfeited, automatically, from and after the date of the offense."

The "date of the offense" is Jan. 6, 2021.

"Based on the information above," the VA further informed the Harrelsons that they "propose to suspend" their "compensation benefit payments effective September 1, 2022, which is the first day of the month following a 60-day due process period."

> **"If you are subsequently acquitted of this charge, payments can be resumed from the date of suspension, if otherwise in order. If you are convicted, benefits will be retroactively terminated effective January 5, 2021, the date proceeding the offense, or from the date your award commenced, whichever is later."**

Kenneth Harrelson taking photographs inside the Rotunda inside the Capitol Building on Jan. 6, 2021. (FBI Criminal Complaint)

According to 38 U.S. Code § 6105:

> **"Any individual who is CONVICTED after September 1, 1959, of any offense listed in subsection (b) of this section shall, from and after the date of commission of such offense, have no right to gratuitous benefits (including the right to burial in a national cemetery) under laws administered by the Secretary based on periods of military, naval, air, or space service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such individual."**

According to the 18-page criminal complaint (pdf), Kenneth Harrelson was charged with Conspiracy (1) Obstruction of an Official Proceeding and Aiding and Abetting (2) Destruction of Government Property and Aiding and Abetting (3) Entering and Remaining in a Restricted Building or Grounds (4) Tampering with Documents or Proceedings (5). According to the Arrest Warrant (pdf), Kenneth was arrested at his home in Titusville, Florida, on March 10, 2021. According to the Criminal Docket, the seditious conspiracy charge was added with several others on Jan. 12, 2022.

Kenneth is currently being held in the Correctional Treatment Facility in southeast Washington and has been incarcerated, without a trial and without being convicted of any crime, for over 475 days.

Page two of the letter explains that: "if convicted," the change in his benefits "may mean" the VA had paid "too much," in which case they will send *another* letter letting them "know if the changes go through." If so, the "VA's Debt Management Center will send a letter explaining how much" they've "been overpaid, as well as how to repay this debt."

2

[redacted]

Harrelson, Kenneth

If convicted, this change in your benefits may mean we've paid you too much. We'll send you a letter letting you know if the change goes through. If it does and causes us to overpay you, VA's Debt Management Center will send a letter explaining how much you've been overpaid, as well as how to repay this debt.

How Submitting Evidence May Affect Payments

Your payments will continue at the present rate for 60 days following the date of this notice so that you may, if you wish, submit evidence to show that the proposed action should not be taken. You may submit evidence in person, through the mail or through your accredited representative.

If you wait more than 60 days to submit evidence, we will carefully consider whatever you submit, but the adjustment of benefits described above will already have gone into effect and your adjusted benefits will continue while we review the additional evidence.

To ensure correct routing and confidentiality of the information you submit, please place the enclosed coversheet on top of all correspondence sent to VA. Failure to use this coversheet may delay your claim.

Be sure to send your evidence, with your full name and VA file number, to the address on the enclosure labeled Where to Send Your Written Correspondence.

How to Minimize a Potential Overpayment

You should be aware that if you continue to accept payments at the present rate for the next 60 days and we then determine to make the proposed adjustment, you will have to repay all or a part of the benefits you have received during the 60 days. You may minimize this potential overpayment by sending us a written statement asking that, beginning with your next check, we reduce your payments while we review your case. If you make this request and, at the end of 60 days, our review shows that you should have received the higher rate, we will restore the full rate from the date on which it was reduced.

How to Obtain a Personal Hearing

If you desire a personal hearing to present evidence or argument on any point in your claim, notify this office and we will arrange a time and place for the hearing. If you want, you may bring witnesses and their testimony will be entered in the record. VA will furnish the hearing room and provide hearing officials. VA cannot pay for any other expenses of the hearing since a personal hearing is held only on your request.

Page 2 of the unsigned June 13, 2022 letter received by Angel and Kenneth Harrelson from the "Director Regional Office" "informing them that their Veterans Benefits are being suspended due to 38 U.S. Code § 6105 – Forfeiture for subversive activities and that they may have "been overpaid, as well as how to repay this debt."
(Courtesy of Angel Harrelson)

Page three of the letter advises the Harrelsons how to obtain representation.

[redacted]
Harrelson, Kenneth

If, within 30 days from the date of this notice, VA receives your hearing request, we will continue payments at the present rate until we have held the hearing and reviewed the testimony. Continuing to receive the current rate of payment until a hearing is conducted could result in the creation of an overpayment, which you must repay. If you request a hearing but wish to minimize any overpayment which could result, you should submit a statement asking that we reduce or suspend your benefits beginning with your next check.

You may request a hearing after 30 days; however, we may continue with our proposed action.

How to Obtain Representation

An accredited representative of a Veterans' organization or other service organization recognized by the Secretary of Veterans Affairs may represent you, without charge. An accredited agent or attorney may also represent you. However, an accredited agent or attorney may only charge you for services performed in support of your decision review, either a notice of disagreement, supplemental claim, or higher-level review. If you desire representation, let us know and we will send you the necessary forms. If you have already designated a representative, no further action is required on your part.

If You Have Questions or Need Assistance

If you have any questions, you may contact us by telephone, e-mail, or letter.

If you	Here is what to do.
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at https://iris.custhelp.va.gov/.
Write	VA now uses a centralized mail system. For all written communications, put your full name and VA file number on the letter. Please mail or fax all written correspondence to the appropriate address listed on the attached *Where to Send Your Written Correspondence*.

In all cases, be sure to refer to VA file number [redacted]

If you are looking for general information about benefits and eligibility, you should visit our website at https://www.va.gov, or search the Frequently Asked Questions (FAQs) at https://iris.custhelp.va.gov/.

Page 3 of the unsigned June 13, 2022 letter received by Angel and Kenneth Harrelson from the "Director Regional Office" "informing them that their Veterans Benefits are being suspended due to 38 U.S. Code § 6105 and advises the Harrelsons how to obtain representation.
(Courtesy of Angel Harrelson)

Page four provides clarification of what VA.gov is and provides information on how "enrolling in VA.gov is easy."

Page 4, the signature page, of the unsigned June 13, 2022 letter received by Angel and Kenneth Harrelson from the "Director Regional Office" providing clarification of "what" VA.gov "is" and provides information on how "enrolling in VA.gov is easy." (Courtesy of Angel Harrelson)

"This is what you have when vindictive leftists get in charge of major parts of the government," Gohmert told The Epoch Times. "What we're seeing is when immoral, mean-spirited, leftist people take over the government, they use every aspect of the government in order to try to inflict their hatred on people with whom they disagree. Even after most of the Democrats in the House of Representatives obstructed an official session of Congress back in June 2016, at that time, none of us were saying these people have got to be put in jail. We just wanted to be able to go back into session as the majority. But when they have power, obstructing an official session of Congress—which is the worst charge many of the January Sixers were charged with—we see the left wanting to bury them, take away any benefit, destroy their lives and not only their lives they want to destroy their homes, destroy their children's lives. This is an evil, toxic atmosphere when these types of people are in control of so much of the federal government."

Following the June 12 shooting at Pulse Night Club in Orlando, Florida, members of the House Democratic Caucus staged a pre-planned and well-organized protest sit-in on the House floor just after the House convened on June 22, 2016. They demanded that then-House Speaker Paul Ryan (R-Wis.) allow a vote on gun control. Through the day and into the next morning, they obstructed proceedings, chanted "no bill, no break," and sang "We shall overcome."

According to The Guardian, Gohmert "stood toe to toe" with then United States Representative Corrine Brown (D-Fla.) "in a confrontation that looked set to spiral out of control" until Rep. John Lewis (D-Pa.) and others intervened. Gohmert said he was angered by the disrespect shown by Democrats for the sanctity of the House chamber, which he called a "last bastion of civility." He was also angered by the disrespect shown to the 49 victims of the shooting. "I'm amazed here on the House floor that to them [Democrats] it's all about guns," he said. On May 19, the Internal Revenue Service announced Brown "pleaded guilty to engaging in a corrupt endeavor to obstruct and impede the due administration of the internal revenue laws" and was "ordered to pay $62,650.99 in restitution."

Rep. Louie Gohmert (R-Texas) (2nd L) speaks as Rep. Marjorie Taylor Greene (R-Ga.) (R), Rep. Matt Gaetz (R-Fla.) (3rd L), and Rep. Bob Good (R-Va.) (L) listen during a news conference outside the U.S. Capitol in Washington, on July 29, 2021. (Alex Wong/Getty Images)

"I do not, will not, and have not advocated for violence," Gohmert said. "But we do need to stand up for our rights and we do need to call this what it is. It's evil. It's abuse of the federal government and its an effort to hurt people and their children simply because of political disagreements. Hopefully we can, by example, show how this is not the way to go. But we've been using that example for 60 years. If these leftists have not figured that out and still think that abusing their positions in the federal government, so they appear like the Ministry of Love in Orwell's 1984 which used torture and horrific conditions like we've seen in the D.C. jail, then we have got to have people peacefully rise up and make clear that we need to change the law so we can find people who are abusing their positions in the government."

As Gohmert explained, laws were changed that allowed for the firing of people within the VA who were abusing their positions. The Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 makes it easier to demote, suspend and even fire senior executives and other employees for misconduct or poor performance.

Likewise, Gohmert said, “we’re seeing a need to do that in other federal places as well so we can get rid of the mean, evil vindictive people who are abusing their federal employment.”

The envelope shows the letter originated from the “Evidence Intake Center” (EIC) at the Department of Veterans Affairs.

Envelope containing a four-page letter informing Kenneth and Angel Harreslson that, because of information sent to them from the Department of Justice, the Veterans Administration has decided to suspend all of Kenneth's veterans benefits and of September 1, 2022. (Photo Courtesy of Angel Harrelson, graphically enhanced by Patricia Tolson/The Epoch Times)

According to the VA website, "The Department of Veterans Affairs has implemented centralized mail processing (CM) for compensation claims to reduce incoming paper handling and shipping requirements."

According to Hill & Ponton Disability Attorneys, "The EIC only handles compensation related claims." However, this is not regarding a claim. It's a notice that Harrelsons' benefits are being suspended entirely and that, if convicted, the Harrelsons will be expected to reimburse the VA for the amount they deem as "overpaid."

In stark contradiction to the notice of benefits suspension and the threat of having to repay everything Kenneth has received, a May 2021 email from Jeremy Van Cleave, Veterans' Services Counselor at the Brevard County Government Center in Viera, Florida to Angel Harrelson, Van Cleave said he "wanted to clarify something."

Screenshot of May 19, 2021 email from Jeremy Van Cleave, Veterans' Service Counselor at the Brevard County Government Center in Viera, Florida, to inform Angel and Kenneth Harrelson of "information on appointment and information on incarcerated veterans." (Courtesy of Angel Harrelson)

> **"As long as your husband is not convicted, your benefits will continue to be paid. If your husband is convicted, and he has to serve greater than 60 days, then his benefit will be reduced to 10%. I am sorry if I did not communicate that correctly. So, right now you will continue to receive funds pending the outcome of the trial."**

Van Cleave included a link in his correspondence for further reassurance that her husband's benefits were not lost. The link took her to a page on the VA website that explained what happens when a veteran is incarcerated.

> **"VA disability compensation payments are reduced if a Veteran is convicted of a felony and imprisoned for more than 60 days. Veterans rated 20 percent or more are limited to the 10 percent disability rate. For a Veteran whose disability rating is 10 percent, the payment is reduced by one-half. Once a Veteran is released from prison, compensation payments may be reinstated based upon the severity of the service connected disability(ies) at that time."**

The Epoch Times reached out to Van Cleave for clarification of the glaring contradictions in his email and the unsigned June 13 letter.

"Right now it's a lot of emailing," Angel told The Epoch Times. "Me trying to get someone at the VA to give me that letter that DOJ sent them."

So far, she has received no response. The next step is a Freedom Of Information Act (FOIA) request. If that fails, she plans to sue for the information.

"I have asked so many of the other veterans who are in prison from January 6 and no one else has received this, not even the others on the Oath Keepers case," Angel revealed. "Ken is the only one. That's why I want this to go public because we are being targeted. Probably because I won't shut up."

According to court documents (pdf), there are 10 individuals cited in the Oath Keepers case, including Kenneth Harrelson.

As The Epoch Times reported on March 11, Angel is convinced that the Democrats in power are intentionally targeting Jan. 6 participants just because they are Trump supporters. She also believes it's all about "revenge."

"That's how I feel," she reiterated Tuesday. "We are being targeted because I am going out there in public and I won't shut up about any of this, and what's the one way to get someone to shut up? Take everything from them."

Asked what she was going to do now, Angel didn't hesitate.

"Be louder," she said.

In the meantime, she has less than 60 days to make a plan.

Kenneth and Angel Harrelson at Cape Canaveral in 2017, just before Angel's mother passed away. (Courtesy of Angel Harrelson)

"I'm going to call the real estate agent. I have no choice I have to put this house up for sale," she lamented. "We don't want it to go into foreclosure because that will ruin our credit. We'll be able to do something later. I'm going to have to pay for another storage unit because the one I have isn't going to be big enough. I will probably lose his truck. There's nothing I can do about that, because if I don't sell it, we'll end up being homeless."

Angel said moving in with family isn't an option. She has three children as well. The homes family members live in are already filled to capacity as all of them have children as well. Due to "Biden's inflation," Angel said families are already consolidating, moving in together to get by. With parents on both sides deceased, there is just no place else to go.

Angel and Kenneth Harrelson's children, Aimes, Nate, and Trey on Christmas day 2021. (Courtesy of Angel Harrelson)

"I have friends," Angel said. "But going to my friends, I would feel like a big burden."

She has set up a GiveSendGo account and she prays.

Joseph McBride, an attorney for several other Jan. 6 prisoners and defendants, says this latest effort to punish the "political prisoners" and their families is "disgusting."

"I heard about this. That's a big story," McBride told The Epoch Times. "This is disgusting. It's completely [expletive] up. Kenny Harrelson is entitled to his benefits. He's merely been *accused* of a crime and the idea he is going to be stripped of his military medical benefits is without question a violation of his due process rights. That's crazy. It's a disgrace. It's an absolute disgrace. He's accused and presumed innocent until proven guilty and his family is certainly innocent. All of this is absolutely horrific."

Cynthia Hughes of the Patriot Freedom Project agrees.

"This is a woman who has three children. Her husband is medically disabled and she relies on that," Hughes told The Epoch Times. "Her husband is in jail. The government refuses to let him have a bond. He can't be home preparing for his trial with his wife. He can't meet with his own attorney and this is all she has to keep her family in that house. What is she supposed to do now? Some people will say she needs to run out and get a job but it's just not that simple. I think the government is doing everything it can to a Trump supporter that is going to create the most hardship … and here it is. Here's the harm. They don't care about the collateral damage and the collateral damage in this are women and children. It's truly disgusting. This government should be ashamed of themselves. I can tell you this, we will make sure the Patriot Freedom Project helps the Harrelson family as much as it can."

In closing the interview, Gohmert made note of how the letter from the VA was unsigned.

"Somebody knew what they were doing when they sent that letter without a signature, without a name," Gohmert posited. "That's the kind of hiding behind a federal position you get when you have evil, abusive, vindictive people in federal employment. They knew what they were doing when they sent that without a signature and without their name on it. That should make them feel a little more Kafkaesque, just anonymously charging people. Hopefully, we can clean up the government and get rid of people who are abusing their positions and doing so vindictively, like whoever sent this letter. They weren't even following the law. They're *abusing* the law, abusing their position, and hiding behind anonymity. These are the kinds of people who need to be gone from the federal employment."

The Epoch Times reached out to the DOJ, the VA, and specifically to Jeremy Van Cleave but received no response.